IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1162 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

JIVANJI R VAGHELA - Petitioner(s)
Versus
D S P & 2 - Respondent(s)

==========

Appearance :

NOTICE SERVED for Petitioner(s) : 1,MR RAJESH R DEWAL for Petitioner(s) : 1,
MR DIPEN DESAI, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/01/2007

ORAL JUDGMENT

1. Present special civil application has been filed by the retired Head-Constable for his

retiremental benefits.

2. Shri Dipen Desai, learned AGP has placed on record one communication dated 16.1.2007 addressed by the Superintendent of Police, Gandhinagar, communicating that the petitioner has already been paid all the retiremental benefits inclusive of gratuity, provident fund, pension, etc. The said communication is directed to be taken on record. On going through the Clause – 5 of the said communication, it appears that the Office of the Superintendent of Police, Gandhinagar, is not sure whether the revised pension after revision of pay as per ROP – 87 and ROP – 98 has been paid to the petitioner by the Treasury Office or not. The learned advocate appearing for the petitioner has also made a grievance that the petitioner has not been paid the revised pension as per the ROP – 87 and ROP – 98. He has submitted that the petitioner would be making an appropriate representation to the Treasury Office, Gandhinagar, for the aforesaid aspect. Shri Dipen Desai, learned AGP has

submitted that the revision in the pension after 1-1-1986 is required to be done by the Treasury Office, Gandhinagar. Accordingly, let the petitioner make an appropriate representation to the Treasury Office, Gandhinagar, with a copy to the Superintendent of Police, Gandhinagar, pointing out that the revised pension as per ROP – 87 and ROP – 98 has not been paid to the petitioner within a period of 2 weeks from today and on receipt of the same, the Treasury Office, Gandhinagar, is directed to take an appropriate decision and communicate the outcome of the same to the petitioner. The aforesaid exercise to be completed within a period of 2 months from the date of receipt of such representation. If the petitioner is entitled to the revised pension as per ROP – 87 and ROP – 98 (it appears that it is not disputed that the pension of the petitioner is to be revised as per ROP – 87 and ROP – 98), in that case, the Treasury Officer, Gandhinagar and/or the concerned authority is directed to pay the difference after proper calculation within a period of 6 weeks after such a

decision.

3. With these, the present special civil application is disposed of. Rule discharged. No costs.

4. Direct Service is permitted.

[M.R.Shah, J.]

kdc